

## Fill in this information to identify the case:

Debtor 1 Kyle Edward Emery

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: District of New Hampshire

Case number 18-10505-BAH

## Official Form 410S1

**Notice of Mortgage Payment Change**

12/15

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of creditor: Chalet Properties III, LLCCourt claim no. (if known): 4

Last 4 digits of any number you use to identify the debtor's account: 0 1 1 4

Date of payment change: \_\_\_\_\_  
Must be at least 21 days after date of this notice 08/01/2019

New total payment: \$ 1,914.33  
Principal, interest, and escrow, if any

**Part 1: Escrow Account Payment Adjustment**

## 1. Will there be a change in the debtor's escrow account payment?

☐ No

☒ Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why: \_\_\_\_\_

Current escrow payment: \$ 740.59New escrow payment: \$ 790.58**Part 2: Mortgage Payment Adjustment**

## 2. Will the debtor's principal and interest payment change based on an adjustment to the interest rate on the debtor's variable-rate account?

☒ No

☐ Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: \_\_\_\_\_

Current interest rate: \_\_\_\_\_%

New interest rate: \_\_\_\_\_%

Current principal and interest payment: \$ \_\_\_\_\_

New principal and interest payment: \$ \_\_\_\_\_

**Part 3: Other Payment Change**

## 3. Will there be a change in the debtor's mortgage payment for a reason not listed above?

☒ No

☐ Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: \_\_\_\_\_

Current mortgage payment: \$ \_\_\_\_\_

New mortgage payment: \$ \_\_\_\_\_

Debtor 1

**Kyle Edward Emery**

First Name Middle Name Last Name

Case number (if known) **18-10505-BAH****Part 4: Sign Here**

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

Check the appropriate box.

☐ I am the creditor.

☒ I am the creditor's authorized agent.

**I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.**

**/s/ Michelle R. Ghidotti-Gonsalves**

Signature

Date 07/12/2019

Print:

Michelle R. Ghidotti-Gonsalves

First Name Middle Name Last Name

Title Authorized Agent

Company

Ghidotti | Berger LLP

Address

1920 Old Tustin Avenue

Number Street

Santa Ana

City

CA

State

92705

ZIP Code

Contact phone

(949) 424-2010Email mghidotti@ghidottiberger.com

314 S. Franklin Street, 2nd Floor  
P.O. Box 517  
Titusville, PA 16354  
1-800-327-7861  
https://myloanweb.com/BSI

Redacted

ACCOUNT NUMBER:

Redacted

DATE: 06/25/19

KYLE E EMERY  
81 S STATE ST  
CONCORD, NH 03301

PROPERTY ADDRESS  
124 FIDDLEHEAD LN  
CHESTER, NH 03036

PLEASE REVIEW THIS STATEMENT CLOSELY - YOUR MORTGAGE PAYMENT MAY BE AFFECTED. THIS STATEMENT TELLS YOU OF ANY CHANGES IN YOUR MORTGAGE PAYMENT, ANY SURPLUS REFUNDS, OR ANY SHORTAGE YOU MUST PAY. IT ALSO SHOWS YOU THE ANTICIPATED ESCROW ACTIVITY FOR YOUR ESCROW CYCLE BEGINNING 08/01/2019 THROUGH 07/31/2020.

**----- ANTICIPATED PAYMENTS FROM ESCROW 08/01/2019 TO 07/31/2020 -----**

HOMEOWNERS INS	\$1,094.00
TOWN	\$8,393.00
TOTAL PAYMENTS FROM ESCROW	\$9,487.00
MONTHLY PAYMENT TO ESCROW	\$790.58

**----- ANTICIPATED ESCROW ACTIVITY 08/01/2019 TO 07/31/2020 -----**

ANTICIPATED PAYMENTS			ESCROW BALANCE COMPARISON	
MONTH	TO ESCROW	FROM ESCROW	DESCRIPTION	REQUIRED
			STARTING BALANCE -->	
			\$31,868.53	\$3,018.26
AUG	\$790.58		\$32,659.11	\$3,808.84
SEP	\$790.58		\$33,449.69	\$4,599.42
OCT	\$790.58	\$1,094.00	\$33,146.27	\$4,296.00
NOV	\$790.58		\$33,936.85	\$5,086.58
DEC	\$790.58	\$4,296.00	L1->\$30,431.43	L2-> \$1,581.16
JAN	\$790.58		\$31,222.01	\$2,371.74
FEB	\$790.58		\$32,012.59	\$3,162.32
MAR	\$790.58		\$32,803.17	\$3,952.90
APR	\$790.58		\$33,593.75	\$4,743.48
MAY	\$790.58		\$34,384.33	\$5,534.06
JUN	\$790.58		\$35,174.91	\$6,324.64
JUL	\$790.58	\$4,097.00	\$31,868.49	\$3,018.22

**----- DETERMINING THE SUFFICIENCY OF YOUR ESCROW BALANCE -----**

IF THE ANTICIPATED LOW POINT BALANCE (L1) IS GREATER THAN THE REQUIRED BALANCE (L2), THEN YOU HAVE AN ESCROW SURPLUS. **YOUR ESCROW SURPLUS IS \$28,850.27.**

**CALCULATION OF YOUR NEW PAYMENT**

PRIN & INTEREST	\$1,123.75
ESCROW PAYMENT	\$790.58
<b>NEW PAYMENT EFFECTIVE 08/01/2019</b>	<b>\$1,914.33</b>
YOUR ESCROW CUSHION FOR THIS CYCLE IS \$1,581.16.	

\*\*\*\*\* Continued on reverse side \*\*\*\*\*



Our records indicate that you have filed for Bankruptcy protection. As a result of your Bankruptcy filing, escrow account deficiencies prior to your filing date have been removed from calculation of your analysis, and they are now reflected as amounts due within your pre-petition arrearage. This Escrow Analysis Statement was prepared under the assumption that all escrow payments have been made in the amount required each month. The surplus funds indicated above are not an accurate reflection of your escrow account because no surplus funds will exist until all amounts are received towards your pre-petition arrearage.

### ACCOUNT HISTORY

THIS HISTORY STATEMENT COMPARES YOUR PRIOR ANALYSIS CYCLE PROJECTED ESCROW ACTIVITY TO THE ACTUAL ESCROW ACTIVITY BEGINNING 08/01/2018 AND ENDING 07/31/2019. IF YOUR LOAN WAS PAID-OFF, ASSUMED OR TRANSFERRED DURING THIS PRIOR CYCLE, OR THE COMPUTATION YEAR IS BEGING CHANGED, ACTUAL ACTIVITY STOPS AT THAT POINT. THIS STATEMENT IS INFORMATION ONLY AND REQUIRES NO ACTION ON YOUR PART.

YOUR PAYMENT BREAKDOWN AS OF 08/01/2018 IS:

PRIN & INTEREST	\$1,123.75
ESCROW PAYMENT	\$740.59
BORROWER PAYMENT	\$1,864.34

MONTH	PAYMENTS TO ESCROW		PAYMENTS FROM ESCROW		DESCRIPTION	ESCROW BALANCE	
	PRIOR PROJECTED	ACTUAL	PRIOR PROJECTED	ACTUAL		PRIOR PROJECTED	ACTUAL
					STARTING BALANCE	\$0.00	\$0.00
SEP	\$0.00	\$23,393.05 *				\$0.00	\$23,393.05-
OCT	\$0.00	\$894.15 *				\$0.00	\$22,498.90-
NOV	\$0.00	\$1,788.30 *		\$4,296.00 *	TOWN	\$0.00	\$25,006.60-
DEC	\$0.00	\$894.15 *		\$1,094.00 *	HOMEOWNERS INS	\$0.00	A-> \$25,206.45-
JAN	\$0.00	\$894.15 *		\$193.93 *	HOMEOWNERS F/P	\$0.00	\$24,506.23-
FEB	\$0.00	\$894.15 *				\$0.00	\$23,612.08-
MAR	\$0.00	\$894.15 *				\$0.00	\$22,717.93-
APR	\$0.00	\$894.15 *				\$0.00	\$21,823.78-
MAY	\$0.00	\$894.15 *				\$0.00	\$20,929.63-
JUN	\$0.00	\$894.15 *		\$4,097.00 *	TOWN	\$0.00	\$24,132.48-
	\$0.00	\$14,451.55	\$0.00	\$9,680.93			

UNDER FEDERAL LAW, WHEN YOUR ACTUAL ESCROW BALANCE REACHED THE LOWEST POINT, THAT BALANCE WAS TARGETED NOT TO EXCEED 1/6TH OF THE ANNUAL PROJECTED DISBURSEMENTS. YOUR LOAN DOCUMENTS OR STATE LAW MAY SPECIFY THAT YOUR LOWEST BALANCE MUST BE A LOWER AMOUNT THAN THE FEDERAL LAW ALLOWS.

UNDER YOUR MORTGAGE CONTRACT OR STATE OR FEDERAL LAW, YOUR TARGETED LOW POINT BALANCE (T) WAS \$0.00. YOUR ACTUAL LOW POINT ESCROW BALANCE (A) WAS \$25,206.45-.

BY COMPARING THE ANTICIPATED ESCROW TRANSACTIONS WITH THE ACTUAL TRANSACTIONS YOU CAN DETERMINE WHERE A DIFFERENCE MAY HAVE OCCURRED. AN ASTERISK (\*) INDICATES A DIFFERENCE IN EITHER THE AMOUNT OR DATE OF THE PROJECTED ACTIVITY THAT HAS NOT YET OCCURRED DUE TO THE DATE OF THIS STATEMENT.

IF THERE ARE NO PRIOR PAYMENTS TO OR FROM ESCROW SHOWN, THERE WAS NO PRIOR PROJECTION TO WHICH THE ACTUAL ACTIVITY COULD BE COMPARED.

### Determining your Shortage or Surplus

#### Shortage:

Any shortage in your escrow account is usually caused by one the following items:

- An increase, if any, in what was paid for insurance and/or taxes from your escrow account.
- A projected increase in taxes for the upcoming year.
- The number of months elapsed from the time of these disbursements to the new payment effective date.

Shortages are divided evenly of the next twelve months. To reduce the increase in your monthly payment, the shortage can be paid either partially or in full.

#### Surplus:

A surplus in your escrow account is usually caused by one the following items:

- The insurance/taxes paid during the past year were lower than projected.
- A refund was received from the taxing authority or insurance carrier.
- Additional funds were applied to your escrow account.

If your surplus is \$50.00 or greater and your loan was contractually current at the time when the analysis was run or calculated, a check will be sent to you. If your surplus is less than \$50.00, the funds will be retained in your escrow account.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE – CONCORD DIVISION

[illegible]

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action. My business address is: 1920 Old Tustin Avenue, Santa Ana, CA 92705.

I am readily familiar with the business's practice for collection and processing of correspondence for mailing with the United States Postal Service; such correspondence would be deposited with the United States Postal Service the same day of deposit in the ordinary course of business.

On July 12, 2019 I served the following documents described as:

- NOTICE OF MORTGAGE PAYMENT CHANGE**

on the interested parties in this action by placing a true and correct copy thereof in a sealed envelope addressed as follows:

(Via United States Mail)

<b>Debtor</b> Kyle Edward Emery 124 Fiddlehead Ln. Chester, NH 03036	<b>Debtor's Counsel</b> Kathleen E. McKenzie 81 S State St Concord, NH 03301
<b>Trustee</b> Lawrence P. Sumski Trustee 1000 Elm Street 10th Floor Manchester, NH 03101	<b>U.S. Trustee</b> Office of the U.S. Trustee James C. Cleveland Building 53 Pleasant Street Suite 2300 Concord, NH 03301

xx (By First Class Mail) At my business address, I placed such envelope for deposit with the United States Postal Service by placing them for collection and mailing on that date following ordinary business practices.

       Via Electronic Mail pursuant to the requirements of the Local Bankruptcy Rules of the Eastern District of California

xx (Federal) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 12, 2019 at Santa Ana, California

/s/ Enrique Alarcon  
Enrique Alarcon